Rachael A. Rezabek

Senior Counsel

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Dallas

Rachael A. Rezabek is a Senior Counsel in the Dallas office of Gibson, Dunn & Crutcher and a member of the Firm's Litigation Practice Group. Her practice focuses primarily on consumer protection investigations and class action litigation, as well as pharmaceutical antitrust matters.

Rachael received her Juris Doctor from the University of Southern California, Gould School of Law in 2014, where she was Executive Senior Editor of the *Southern California Law Review*. In 2009, she earned her Bachelor of Arts degree from the Ohio State University, where she graduated *magna cum laude*.

Rachael is admitted to practice law in California, Texas, and before the United States Court of Appeals for the Second Circuit.

Recent Representations:*

- Represented multi-level marketing company in securities fraud class action concerning pyramid scheme allegations. Successfully drafted and argued opposition to class certification as to plaintiff's 10b-5 claim.*
- Represented multi-level marketing company in false advertising class action. Drafted successful motion to dismiss. Drafted and negotiated complex classwide, claims-made reversionary settlement.*
- Represented a health-related technology company in first-of-its-kind Health Breach Notification Rule FTC investigation leading to settlement creating new ground rules for health-related online marketing.*
- Represented a brand pharmaceutical manufacturer in district court antitrust litigation against claims by consumers and other direct and indirect purchasers alleging that the company maintained a monopoly in the HIV drug market by unlawfully extending its patent protection for its blockbuster HIV drugs. After a six-week jury trial, a San Francisco jury returned a complete defense verdict, rejecting the plaintiffs' claims seeking more than $10 billion in damages. This case is only the third reverse payment antitrust case ever to go to verdict (even though more than 30 such cases have been filed in the 12 years since the Supreme Court blessed this theory of antitrust liability in 2013), and the first verdict for defendants on the dispositive threshold issues of no market power and no anticompetitive payment.*
- Trial counsel for pharmaceutical manufacturer in indirect purchaser antitrust class action alleging unlawful reverse payment in violation of *Actavis* related to settlement of patent litigation involving the blockbuster Alzheimer's drug Namenda.* The case settled on terms highly favorable to the manufacturer.
- Represented fintech company to defend FTC action in N.D. Cal. alleging violations of Section 5 of the FTC Act and the Gramm-Leach-Bliley Act (the "GLBA"),

Capabilities

Privacy, Cybersecurity, and Data Innovation

Antitrust and Competition

Class Actions

Consumer Protection

Tech and Innovation

Credentials

Education

University of Southern California - 2014 Juris Doctor

The Ohio State University - 2009 Bachelor of Arts

Admissions

California Bar

Texas Bar

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achieved dismissal of the GLBA claim at summary judgment and settled the remaining allegations for less than 2% of the FTC's litigation demand.*

- Represented a pharmaceutical company in a consolidated MDL antitrust putative class action involving complex patent- and FDA-related monopolization claims predicated on allegations of delayed entry of generic drugs.
- Served as a member of the trial counsel defending a satellite television service provider against the Federal Trade Commission in a lawsuit alleging deceptive advertising and alleged violations of the Restore Online Shoppers Confidence Act. Following a bench trial, the district court granted in part the client's motion for judgment on partial findings, and the case was subsequently dismissed by the FTC with prejudice.*
- Represented a global hospitality and entertainment company in connection with an internal investigation relating to a mass shooting.*
- Represented numerous clients in defending against consumer class actions brought under California's CLRA, UCL, and FAL relating to consumer products such as soap and dietary supplements.*
- Represented numerous survivors of domestic violence in obtaining new or renewed domestic violence restraining orders.*

**Includes matters handled prior to joining Gibson, Dunn & Crutcher LLP*

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